

**Calendar No. 218**

105TH CONGRESS  
1ST SESSION

**S. 1092**

**[Report No. 105–113]**

To provide for a transfer of land interests in order to facilitate surface transportation between the cities of Cold Bay, Alaska, and King Cove, Alaska, and for other purposes.

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IN THE SENATE OF THE UNITED STATES

JULY 30, 1997

Mr. MURKOWSKI introduced the following bill; which was read twice and referred to the Committee on Energy and Natural Resources

OCTOBER 15, 1997

Reported under authority of the order of the Senate of October 9, 1997, by  
Mr. MURKOWSKI, without amendment

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**A BILL**

To provide for a transfer of land interests in order to facilitate surface transportation between the cities of Cold Bay, Alaska, and King Cove, Alaska, and for other purposes.

1       *Be it enacted by the Senate and House of Representa-*  
2       *tives of the United States of America in Congress assembled,*

1 **SECTION 1. SHORT TITLE.**

2       This Act may be cited as the “King Cove Health and  
3 Safety Act of 1997”.

4 **SEC. 2. LAND EXCHANGE.**

5       (a) IN GENERAL.—If, not later than 6 months after  
6 the date of the enactment of this Act, the King Cove Cor-  
7 poration transfers to the United States of all right, title,  
8 and interest of the Corporation in and to the land de-  
9 scribed in subsection (b), and any improvements thereon,  
10 the Secretary of the Interior shall, not later than 30 days  
11 after such transfer, grant the Aleutians East Borough a  
12 perpetual right-of-way of 100 feet in width through the  
13 land described in section 3(b), for the construction, oper-  
14 ation, and maintenance of certain utility-related fixtures  
15 and of a public road between the city of Cold Bay, Alaska,  
16 and the city of King Cove, Alaska.

17       (b) LAND DESCRIPTION.—The Corporation land re-  
18 ferred to in subsection (a) is that land in Sections 5, 6,  
19 and 7 of T 57 S, R 88 W, Seward Meridian, Alaska.

20       (c) MANAGEMENT OF EXCHANGED CORPORATION  
21 LAND.—Upon transfer to the United States of the Cor-  
22 poration land referred to in subsection (a), such lands  
23 shall be managed in accordance with Section 1302(i)(2)  
24 of the Alaska National Interest Lands Conservation Act  
25 of 1980 (Public Law 96–467).

1 (d) VALUATION.—The land interests transferred  
2 under this Act are deemed to be of equal value.

3 **SEC. 3. RIGHT-OF-WAY.**

4 (a) SCOPE.—Unless otherwise agreed to by the Sec-  
5 retary and the Aleutians East Borough, the right-of-way  
6 granted under section 2 shall—

7 (1) include sufficient lands for logistical staging  
8 areas and construction material sites used for the  
9 construction and maintenance of a public road on  
10 the right-of-way;

11 (2) meet all requirements for a public highway  
12 right-of-way under the laws of the State of Alaska;  
13 and

14 (3) include the right for the Aleutians East  
15 Borough, or its assignees, to construct, operate, and  
16 maintain electrical, telephone, or other utility facili-  
17 ties and structures within the right-of-way.

18 (b) LOCATION.—Unless otherwise agreed by the Sec-  
19 retary and the Aleutians East Borough, the right-of-way  
20 granted under section 2 shall be located within—

21 (1) sections 2, 3, 10, and 11 of T 59 S, R 86  
22 W, Seward Meridian, Alaska;

23 (2) sections 27, 28, 29, 30, 31, 32, 33, 34, and  
24 35 of T 59 S, R 86 W, Seward Meridian, Alaska;

1 (3) sections 3, 4, 9, 10, 13, 14, 15, 16, 23, 24,  
 2 25, 26, and 36 of T 58 S, R 87 W, Seward Merid-  
 3 ian, Alaska;

4 (4) sections 5, 6, 7, 8, 9, 16, 17, 20, 21, 27,  
 5 28, 29, 32, 33, and 34 of T 57 S, R 87 W, Seward  
 6 Meridian, Alaska;

7 (5) sections 19, 20, 21, 22, 23, 24, 25, 26, 27,  
 8 28, 29, 30, 35, and 36, of T 56 S, R 87 W, Seward  
 9 Meridian, Alaska;

10 (6) sections 23, 24, 25, 26, 27, 34, 35, and 36  
 11 of T 56 S, R 88 W, Seward Meridian, Alaska;

12 (7) section 6 of T 57 S, R 88 W, Seward Me-  
 13 ridian, Alaska; and

14 (8) sections 1, 2, 11, and 12 of T 57 S, R 89  
 15 W, Seward Meridian, Alaska;

16 (c) CENTER LINE.—The center line of the right-of-  
 17 way referred to in subsection (b) shall be determined by  
 18 mutual agreement between the Secretary and the Aleu-  
 19 tians East Borough.

#### 20 **SEC. 4. MISCELLANEOUS PROVISIONS.**

21 (a) DEFINITIONS.—As used in this Act:

22 (1) The term “Secretary” means the Secretary  
 23 of the Interior.

24 (2) The term “Corporation” means the King  
 25 Cove Corporation.

1 (b) PROTECTION OF RESOURCES.—The Secretary  
2 and the Aleutians East Borough—

3 (1) shall, prior to any improvement to the right-  
4 of-way, jointly develop and agree to reasonable terms  
5 and conditions for the use of the right-of-way, in-  
6 cluding the construction, operation, and maintenance  
7 of the public road and utility-related fixtures, which  
8 will protect the Federal lands, interest in lands, and  
9 resources beneath and adjacent to the right-of-way  
10 without imposing undue costs on either party; and

11 (2) May make mutually agreed upon modifica-  
12 tions to any agreement reached pursuant to para-  
13 graph (1).

14 (c) PROVISIONS NOT APPLICABLE.—The following  
15 provisions of law shall not be applicable to any right-of-  
16 way granted pursuant to this Act or to any road con-  
17 structed on such right-of-way:

18 (1) Section 22(g) of the Alaska Native Claims  
19 Settlement Act (43 U.S.C. 1621(g)).

20 (2) Title XI of the Alaska National Interest  
21 Lands Conservation Act (16 U.S.C. 3161 et seq.),  
22 except for the procedures set forth in section 1104  
23 of that title (16 U.S.C. 3164).

24 (3) Section 303(c) of title 49, United States  
25 Code.

1       (d) ADMINISTRATION.—The Secretary is authorized  
2 to implement and administer the rights and obligations  
3 of the Federal Government under any agreement reached  
4 pursuant to subsection (b).

5       (e) SAVINGS PROVISIONS.—Implementation of any  
6 agreement reached pursuant to subsection (b) shall not  
7 be deemed to be a major Federal action significantly af-  
8 fecting the quality of the human environment, nor shall  
9 such implementation require further consideration pursu-  
10 ant to the National Historic Preservation Act (16 U.S.C.  
11 470 et seq.), title VIII of the Alaska National Interest  
12 Lands Conservation Act (16 U.S.C. 3118 et seq.), or any  
13 other law.



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